

Application NO: 09/750,494  
Attorney Docket No. AX-001-US  
Friedman et al.

### **REMARKS**

Claims 1-13 are currently pending, all of which have been rejected. Claims 1, 4, 5, 9, and 10 are amended by this amendment.

As a preliminary matter, Applicants thank the Examiner for the telephonic interview conducted on September 13, 2004. Although no agreement was reached as to the claims, the following matters were discussed:

- Mason reference (in particular figure 2, element 318; and paragraphs 29-31);
- Office Action dated August 13, 2004 (in particular, the rejection under 35 USC §102(e));
- Claim 1 of the present application.

Turning to the claims, claims 1-3 are objected to due to certain informalities identified in the office action. The informalities are due to a typographical error that is corrected by the amendment herein to claim 1 to delete the word "of" from the "means for comparing" element. In addition to the informalities found by the Examiner, Applicants have identified certain other typographical errors. In particular, in claims 5 and 10 the word "vendor" was inadvertently plural, and in claim 9 "a" was inadvertently used instead of "an" in front of "existing." These typographical errors are corrected by this amendment.

Claims 9-13 are rejected under 35 U.S.C. §101 on the grounds that the claimed invention is directed to non-statutory subject matter. Again this is due to a typographical error. The term "the steps of" was inadvertently included in the preamble of claim 9. This typographical error is corrected by the amendment herein to the preamble of claim 9.

Claims 1-13 are rejected under 35 U.S.C. §102(e) as being anticipated by Mason (US 2001/0051918). Claims 1, 4, and 9 are amended to more clearly point out and distinctly claim the relationship between the vendor and consumer. Mason does not teach the relationship as recited in any of the claims of the present application.

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Applicant respectfully submits that the pending claims are allowable, and respectfully requests a Notice of Allowance for this application. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,



DATE: September 23, 2004

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